



Approved: Meeting No. 25-13

Attest:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
May 20, 2013
Meeting No. 18-13
7:00 p.m.

Executive Session pursuant to Sections 10-508(a)(7) and (a)(8) of the State Government Article of the Annotated Code of Maryland to consult with counsel to obtain legal advice and to consult with staff about pending or potential litigation regarding 1) the administrative appeals filed by William A. Pumphrey and James Pontius and 2) stormwater management fees.

The Mayor and Council met in Executive Session on May 20, 2013 at 6:05 p.m. in the Diamond Back Terrapin Conference Room, City Hall, 111 Maryland Avenue, Rockville, Maryland.

Councilmember Hall made the motion to convene in Executive Session. The motion was seconded by Councilmember Newton and passed unanimously.

Present at the Executive Session were Mayor Phyllis Marcuccio, Councilmember John F. Hall, Jr., Councilmember Tom Moore, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala. Also present were City Manager Barbara Matthews, Deputy City Clerk Brenda Bean, City Attorney Debra Daniel and the following staff from Community Planning and Development Services: Susan Swift, Director, Jim Wasilak and Bobby Ray.

The topic of discussion was potential litigation regarding 1) the administrative appeals filed by William A. Pumphrey and James Pontius and 2) stormwater management fees.

The Mayor and Council voted to approve staff's recommendation on the handling of stormwater management fees.

The Mayor and Council adjourned the Executive Session at 6:55 p.m.

Present:

Mayor Phyllis Marcuccio, Councilmember Tom Moore, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala.

Staff Present:

City Manager Barbara Matthews, Deputy City Clerk Brenda Bean, and City Attorney Debra Daniel.

1. Convene

The Mayor and Council convened in a regular meeting at 7:05 p.m. on Monday, May 20, 2013 in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Marcuccio led the Pledge of Allegiance.

3. Agenda Review

Deputy City Clerk Bean noted that an additional topic of discussion was added to the Executive Session prior to the regular meeting and also one added to the Executive Session following the regular meeting as follows:

First Executive Session - Under the same provision, there was an item added related to Stormwater Management fees.

Second Executive Session - Under the same provision, a discussion on the appointment of a Financial Advisory Board was added.

4. City Manager's Report

City Manager Matthews reported:

- The City of Rockville's Human Rights Commission hosted a Diversity Leadership Workshop on Saturday, May 19, 2013. Approximately 30 high school students attended and learned to recognize situations of alienation and discrimination and develop diversity awareness.
- Two dedications will take place on Saturday, May 25th: The renaming of the Grandin Avenue Park for the late Phyllis Kavanagh and the official opening of the new bath house at the Swim Center.
- Hometown Holidays will also occur over the weekend of May 25 and Ms. Matthews highlighted the events that would be taking place such as: featured bands, Taste of Rockville, amusements and entertainment for children, and the Memorial Day Parade.
- There will be no Mayor and Council meetings on Monday, May 27th and June 3rd.

5. Appointments/Reappointments and Announcements of Vacancies

Mayor Marcuccio announced that there are vacancies on the following boards and/or commissions: Board of Appeals, Financial Advisory Board, Human Services Advisory Commission, Human Rights Commission, Landlord Tenant Affairs Commission, Planning Commission and the Retirement Board.

6. Proclamation Declaring the Week of May 20-24, 2013, as National Public Works Week in Rockville.

Motion: to proclaim the Week of May 20-24, 2013, as National Public Works Week in Rockville.

Moved by Councilmember Hall, seconded by Councilmember Pierzchala, and unanimously passed.

Councilmember Newton read the proclamation and presented it to Judy Ding, along with other staff from the Department of Public Works. Ms. Ding spoke of the importance of work performed by the staff of DPW. Ms. Ding also mentioned the Large Equipment Show scheduled for May 23rd that will take place in the parking lot at the Rockville Swim Center.

7. Citizen's Forum

Citizen

Issue

Chas Hausheer

East Rockville Neighborhood Plan; concerns with replacement of existing housing stock with new larger homes; diminishes the existing residential character; the spirit of the Neighborhood Plan is not being met; consider amending the East Rockville Neighborhood Plan to include a conservation plan like Lincoln Park.

Jan Wilson

East Rockville Neighborhood Plan; agrees with comments made by Mr. Hausheer; would the City consider installing light shields on streetlights to keep the light on the ground and not into windows or the sky?

Peter Witzier

East Rockville Neighborhood Plan; who does the Planning Department work for? New homes are not consistent with the look, feel and character of the neighborhood; residents want to be more involved in decisions and processes.

8. Mayor and Council's Response to Citizen's Forum and Announcements

Councilmember Pierzchala

Would be willing to take another look at issues associated with mansionization; the Planning Department has to follow the law and that is what they do; difficult for the Planning Department to try to judge what the character of a neighborhood is.

Councilmember Moore

The Planning Department also works for the Mayor and Council and the buck stops here. They apply the law as the Mayor and Council have written it. Mansionization is something that zoning laws handle very well. A Conservation District is another possibility worth exploring.

Councilmember Newton

Supports looking into the mansionization issue again; the Planning Department works for all of Rockville; supports the idea of a Conservation District and would like to take up these items in conjunction with the Master Plan; would like for this to happen sooner rather than later.

Councilmember Hall

With respect to Conservation Districts, sometimes the hardest part is just getting started; could yield great benefits if everyone participates; great success in Lincoln Park; the Master Plan can solidify principles and the Mayor and Council are here to help.

Mayor Marcuccio

Has been extremely passionate about this issue for quite some time and actually suggested a moratorium; if the City's regulations need fixing it should be done right away; agrees that light shields could be a solution to bright street lights and asked staff to explore this.

9. Mayor and Council Reports

Councilmember Pierzchala attended the Retirement Board Meeting on May 17 and the Bicycle Awards/Bike Give-a-way on May 19, 2013, as part of the TERRIFIC Rockville Citizen Program.

10. Consent Agenda

Motion: to approve Consent Agenda.

Moved by Councilmember Hall, seconded by Councilmember Moore, and unanimously approved.

- A. Award of IFB #30-13, Asphalt Pavement Rehabilitation (Thin Lift Overlay) in the Aggregate Amount Not to Exceed \$2,500,000 for the Initial Contract Period Ending June 30, 2014, and for One Additional Optional Contract Period through June 30, 2015. Optional Contract Term to be at the Sole Discretion of the City.
- B. Award IFB 18-13, Requirements Contract for Construction, Repair and Maintenance of Concrete Sidewalks, Curbs, Driveway Aprons, and Miscellaneous Construction in the Not-to-Exceed Aggregate Amount of \$3,000,000
- C. Award of Rider on Washington Suburban Sanitary Commission (WSSC) Contract No. 6323 to RJN Group, Inc. for Flow Monitoring Services in an Amount Not-to-Exceed \$500,000 through June 30, 2018.

- D. Award of Invitation for Bid (IFB) #31-13, Furnish and Install Playground Equipment at David Scull Park and Montrose Community Center Park in the amount of \$377,188.

E. Approval of Minutes

Meeting 08-13 (March 4, 2013)
Meeting 09-13 (March 11, 2013)
Meeting 10-13 (March 18, 2013)

11. Adoption of an Ordinance to Amend Ordinance #7-13 to Appropriate Funds and Levy Taxes for Fiscal Year 2013.

Stacey Webster, Budget and Finance Manager, introduced this item and a motion was made.

Motion: to adopt ordinance to amend Ordinance #7-13 to appropriate funds and levy taxes for Fiscal Year 2013.

Moved by Councilmember Newton, seconded by Councilmember Pierzchala, and unanimously approved.

12. Adoption of a Resolution to Close Completed Capital Improvements Program Project Accounts

Stacey Webster, Budget and Finance Manager, introduced this item and a motion was made.

Motion: to adopt Resolution to close completed Capital Improvements Program project accounts.

Moved by Councilmember Hall, seconded by Councilmember Moore, and unanimously approved.

13. Adoption of a Resolution to Establish the Service Charge Rate for Municipal Refuse Collection and to Establish a Charge for Unreturned Refuse and Recycling Carts Pursuant to Section 20-6 of the Rockville City Code.

Stacey Webster, Budget and Finance Manager, introduced this item and a motion was made.

Motion: to adopt a Resolution to establish the service charge rate for municipal refuse collection and to establish a charge for unreturned refuse and recycling carts pursuant to section 20-6 of the Rockville City Code.

Moved by Councilmember Pierzchala, seconded by Councilmember Hall, and unanimously approved.

14. Adoption of Resolution to Revise the Schedule of Various User and Regulatory Fees for the City of Rockville.

Stacey Webster, Budget and Finance Manager, introduced this item and a motion was made.

Motion: to adopt a resolution to revise the schedule of various user and regulatory fees for the City of Rockville.

Moved by Councilmember Hall, seconded by Councilmember Pierzchala, with Mayor Marcuccio and Councilmembers Hall, Moore and Pierzchala approving, and Councilmember Newton opposing. Motion carried 4-1.

15. Adoption of Ordinance to Appropriate Funds and Levy Taxes for Fiscal Year 2014.

Stacey Webster, Budget and Finance Manager, introduced this item and a motion was made.

Motion: to adopt ordinance to appropriate funds and levy taxes for fiscal year 2014.

Moved by Councilmember Newton, seconded by Councilmember Hall, and unanimously approved.

16. Adoption of Resolution to Declare the Official Intent of the Mayor and Council to Bond Finance Certain Projects Under U.S. Treasury Income Tax Regulation Section 1.150-2.

Stacey Webster, Budget and Finance Manager, introduced this item and a motion was made.

Motion: to adopt resolution to declare the official intent of the Mayor and Council to bond finance certain projects under U.S. Treasury Income Tax Regulation Section 1.150-2.

Moved by Councilmember Pierzchala, seconded by Councilmember Newton, and unanimously approved.

17. Discussion - Citizens Forum Policy

Assistant City Manager Jenny Kimball provided the staff report and gave a brief background on the Citizens' Forum process. Ms. Kimball said that this agenda item was prompted by the renovation of the Mayor and Council Chambers, which generated questions about the use of the technology in the room during Citizens' Forum.

Ensuing discussion between the Mayor and Council and staff primarily consisted of the issues surrounding speakers presenting documents or images on the screens in the Mayor and Council Chambers. The highlights of that discussion included:

Assistant City Manager Kimball - Past practice has been not to allow speakers to use the screens in chambers for presentations; the Mayor and Council may wish consider allowing speakers to use the new document reader in chambers; another tool that could be used is the Apple TV which can be shown at either at the Mayor and Council screens only or the Mayor and Council screens as well as the large screens in the room.

Councilmember Pierzchala - PowerPoint can really aid in a presentation and does not necessarily slow things up; is content to leave things as they are and is in favor of allowing speakers to use the document reader; in a written policy, be sure to include language that would give the Mayor explicit latitude to moderate; agrees that a formal time limit is necessary.

Councilmember Moore - would like to allow citizens to use Power Point for presentations; agrees that preapproval is necessary; would suggest that speakers provide a printout before the meeting; the governing body should not be put in the position of reviewing content ahead of time and this should be handled by the City Clerk.

Mayor Marcuccio - Citizens' Forum should not be a venue for someone presenting a platform or to be used for their own purposes; we may be opening ourselves up; agrees that materials should be screened ahead of time.

Councilmember Newton – Believes that the time limit should be at the discretion of the presiding officer; surprised that there was never an official policy; this venue is time for citizens to address the Mayor and Council and has concerns with placing such restrictions on it; the time limit does not take away from Mayor's discretion to cut someone off; is content to leave it the way it is.

18. Review and Comment Regarding Mayor and Council Action

Councilmember Newton asked about the status of the Volunteer Appreciation Party and wondered if a date and venue had been decided upon. Staff will provide a detailed report for a full discussion at a future Mayor and Council meeting. Councilmember Newton requested that the mansionization topic and the Master Plan be placed on a future agenda, as well as a report from Billy Casper Golf on the status of RedGate.

19. Review and Comment Regarding Future Agendas

Councilmember Pierzchala requested that the Retirement Board item currently on the June 10 agenda be moved to later in the year. There was agreement by the Mayor and Council to not hold a meeting on July 22. There was also discussion to possibly not hold a meeting on July 8th. Ms. Matthews responded that, while there are no items scheduled currently, there will likely be lots coming up as people need to get things done prior to the Mayor and Council summer recess. The City Clerk will follow up with Mayor and Council as to vacation schedules.

20. Old/New Business

No old new business.

21. Executive Session pursuant to Section 10-508(a)(1)(i) of the State Government Article of the Annotated Code of Maryland to discuss 1) the employment, assignment, compensation, and performance evaluation of the City Manager and 2) the appointment of the Financial Advisory Board.

Motion: to adjourn to Executive Session pursuant to Section 10-508(a)(1)(i) of the State Government Article of the Annotated Code of Maryland to discuss 1) the employment, assignment, compensation, and performance evaluation of the City Manager and 2) the appointment of the Financial Advisory Board.

The motion was moved by Councilmember Hall, seconded by Councilmember Pierzchala and unanimously approved. The Mayor and Council adjourned to Executive Session at 8:26 p.m.